

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE  
2005 FEB 11 P 1:15

LIBERTY MUTUAL INSURANCE COMPANY,

Plaintiff,

v.

THE BLACK & DECKER CORPORATION,  
BLACK & DECKER, INC., BLACK & DECKER  
(U.S.) INC., EMHART CORPORATION, and  
EMHART INDUSTRIES, INC.,

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.  
C.A. No. 1:04-CV-10659-DPW  
(BROS)

**NOTICE OF APPEAL**

Notice is hereby given that defendants, The Black & Decker Corporation, Black & Decker, Inc. Black & Decker (U.S.) Inc., Emhart Corporation and Emhart Industries, Inc., hereby appeal to the United States Court of Appeals for the First Circuit from the final judgment entered in this action on January 13, 2005 and all interlocutory orders and rulings associated therewith, including all portions of the Memorandum and Order entered on January 13, 2005 pertaining to the BROS site in Bridgeport, New Jersey that is the subject of this action.

By their attorneys,

Dated: February 11, 2005

/s/ Jack R. Pirozzolo  
Jack R. Pirozzolo BBO# 400400  
Richard L. Binder BBO# 043240  
Willcox, Pirozzolo & McCarthy  
Professional Corporation  
50 Federal Street  
Boston, Massachusetts 02110  
(617) 482-5470

**Appeal Documents**

**1:04-cv-10659-DPW Liberty Mutual v. Black & Decker re: BROS Site CASE CLOSED on 01/13/2005**

**United States District Court**

**District of Massachusetts**

Notice of Electronic Filing

The following transaction was received from Pirozzolo, Jack entered on 2/11/2005 at 11:46 AM EST and filed on 2/11/2005

**Case Name:** Liberty Mutual v. Black & Decker re: BROS Site

**Case Number:** 1:04-cv-10659

**Filer:** Emhart Corporation  
Black & Decker Corporation  
Black & Decker, Inc.  
Black & Decker (U.S.) Inc.,  
Emhart, Inc.

**WARNING: CASE CLOSED on 01/13/2005**

**Document Number:** 9

**Docket Text:**

NOTICE OF APPEAL as to [7] Order,, [8] Judgment,, by Black & Decker, Inc., Black & Decker (U.S.) Inc., Emhart Corporation, Emhart, Inc., Black & Decker (U.S.) Inc., Black & Decker Corporation, Black & Decker, Inc., Emhart Corporation, Emhart, Inc., Black & Decker Corporation. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <http://www.ca1.uscourts.gov/clerks/transcript.htm> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/3/2005. (Pirozzolo, Jack)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**yes

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1029851931 [Date=2/11/2005] [FileNumber=853225-0]  
[6e316da51e3097aa5980e091391f52d421e0dd5c0f214825710040ae0b8500156596  
914414c2f47fa7cf76a62cdf7fce829cfd10093fce7915659724cb5b598a]]

**1:04-cv-10659 Notice will be electronically mailed to:**

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WILLCOX, PIROZZOLO AND MCCARTHY

PROFESSIONAL CORPORATION  
CLERKS OFFICE

FIFTY FEDERAL STREET

HAROLD M. WILLCOX (1925-1975)  
RICHARD P. CROWLEY (1927-2001)

BOSTON, MASSACHUSETTS 02210  
2005 FEB 11 P 1:15

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DISTRICT OF MASS.

OF COUNSEL  
GERRY A. BLODGETT  
(REGISTERED PATENT  
ATTORNEY)

February 11, 2005

**BY HAND DELIVERY**

Clerk's Office  
United States District Court  
District of Massachusetts  
One Courthouse Way  
Boston, Massachusetts 02210

Re: Liberty Mutual Insurance Co. v.  
The Black & Decker Corp., et al.  
Civil Action No. 1:04-CV-10659-DPW

Dear Sir:

Pursuant to CM/EMF Administrative Procedure F, enclosed is a check in the amount of \$255.00 in payment of the fee in connection with the Notice of Appeal that was filed electronically earlier today, together with a copy of the Notice of Electronic Filing.

Thank you for your attention to this matter.

Very truly yours,



Richard L. Binder

RLB:jn  
Enclosures

cc: Ralph T. Lepore, III, Esq.